

REMARKS

This amendment is filed in response to the Official Action mailed January 20, 2006. A Petition for a One-Month Extension of the term for a response to said Official Action, up to and including May 20, 2006 is transmitted herewith. As May 20, 2006 is a Saturday, the present communication is timely filed if filed on May 22, 2006.

As requested by the Examiner, the specification has been checked to the extent necessary to determine the presence of all possible minor errors. Applicant has therefore amended the specification to correct typographical errors (in Paragraphs [0020] and [0061]). No new matter has been added.

With respect to the claim amendments, claim 1 has been amended to clarify that the method includes growing commercially valuable trees to improve plant establishment, growth, and input management of water, nutrients and pesticides, support for which may be found, for example, on page 7, paragraphs [0015] and [0016]. Claim 1 has also been amended to incorporate the recitations of claims 2-5. Specifically, claim 1 as amended recites that the method includes lining the walls of the hole with a self-sealing, flexible casing which is substantially impervious to water and nutrients for root growth, support which may be found, for example on page 18, paragraph [0061], to page 19, paragraph [0063] of the specification. Claims 6-9, 13-18, 20, and 25 have been amended to depend from claim 1. Dependent claim 26 has been added to recite that the flexible casing includes a berm-like structure attached to the casing, support for which may be found on page 19, paragraph [0064]. Claims 2-5 and 10-12 have been canceled. No new matter has been added.

With respect to the rejections, claims 1-5, 7, 8, and 25 are rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 4,457,102 ("Ploeger") in view of U.S. Patent

No. 3,828,473 ("*Morey*"). The Examiner contends that *Ploeger* teaches a method of growing commercially valuable grape vines as claimed in steps (a)-(e) of original claim 1, but does not specifically teach harvesting commercially valuable crops from the trees as claimed. For example, the Examiner asserts that *Ploeger* teaches lining the planting hole with a material impervious to water and nutrients, and that the tube of *Ploeger* may be made from plastic, paper coated plastic, or metal. The Examiner also contends that the plastic and paper of *Ploeger* are readable as disposable and that the "metal" and "plastic" of *Ploeger* are readable as permanent. Further, the Examiner contends that *Ploeger* teaches a berm-like structure (22) as claimed. The Examiner relies upon *Morey* for the alleged obviousness of growing commercially valuable trees such as deep or tap rooted shade trees in a deep container partially in the ground.

Finally, the Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being obvious over *Ploeger* and *Morey* and further in view of U.S. Patent No. 5,829,191 ("*Gatliff*"). In this regard, the Examiner contends that while *Ploeger* is silent as to providing an additive in at least a portion of the wall to create a seal, "*Gatliff*" teaches a method of growing trees to develop long root systems in lined holes, as does *Ploeger*, and further adds the step of sealing as claimed. As such, the Examiner concludes that it would have been obvious to have further modified the method of *Ploeger* to include the sealing step as taught by *Gatliff*, for the known advantages of that operation. Applicant respectfully disagrees with these rejections.

Applicant has amended claim 1 to recite that the method provides improved plant establishment, growth, and input management of water, nutrients, and pesticides by preparing a hole that includes the step of lining the walls of the hole with

a flexible casing which is substantially impervious to water and nutrients for root growth and is self-sealing such that the self-sealing material will seal tightly to the wall of the hole to inhibit the migration of water from the surface or near the surface to deeper levels, which might otherwise occur at the junction between the walls of the hole and flexible casing. Plainly, *Ploeger* fails to teach such a method, and in particular, fails to teach a method which includes the use of a self-sealing, flexible casing that will facilitate the tight sealing of the casing to the walls of the hole. In this regard, *Ploeger* merely teaches a liner that may be placed within the tube that is adjacent to the walls of the hole. Thus, the liner of *Ploeger* is not in contact with the walls of the hole. Moreover, *Morey* fails to teach that which *Ploeger* lacks, namely a self-sealing, flexible casing. In contrast, *Morey* teaches that the container of the claimed method has a "necessary degree of vertical rigidity and stiffness," which is achieved by various forms of axial ridging with sufficiently thin inter-rib spaces to allow folding and hinging of the sides but still is of sufficient thickness to provide the tensile strength required to maintain the integrity of the container during its desired life-span. (See col. 4, lns. 37-46.) Therefore, the tubes, liners, and containers of *Ploeger* and *Morey*, are far different from the self-sealing, flexible casing taught in and claimed in the present application. Moreover, *Gatliff* fails to teach the claimed method; rather, *Gatliff* teaches a method of growing and harvest vegetation for use in remediating contaminated soil and/or ground water. Thus, *Ploeger* and *Morey*, in further view of *Gatliff*, fail to teach or suggest the claimed method. Accordingly, in light of all of the above, it is respectfully requested that independent claim 1 be moved into a condition for allowance. As dependent claims 6-9 and 13-26 depend upon such independent claim, it is also respectfully requested that such

claims be moved into condition for allowance. Thus, Applicant respectfully requests allowance of claims 1, 6-9, and 13-26.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: May 22, 2006

Respectfully submitted,

By 

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